

JRW
001/009



M. Clark Dale, PhD
President & CEO
clark@bio-process.com
226 North 500 West
West Lafayette, IN 47906-8505

RECEIVED
CENTRAL FAX CENTER
AUG 25 2009

(765) 746-2100 office
(765) 427-3234 cell

August 25, 2009

Mail Stop Petition
Commissioner for Patents
Alexandria, VA

RECEIVED

AUG 31 2009

OFFICE OF PETITIONS

Dear Sirs,

Please find enclosed:

- 1) Petition to Accept Unintentionally Delayed Payment of Maintenance Fee Form
- 2) Credit Card Payment Form made out for \$1,300.00 (\$490. for the 3.5 yr maintenance, and \$810. for the petition.)
- 3) Previous correspondence when making Maintenance Fee payment in April and March.

Please let me know if these forms complete the maintenance and re-instate our patent.

Best Regards,

A handwritten signature in black ink that reads "M. Clark Dale".

B P I

08/25/2009 16:12 FAX

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2009 SEP 26 PM 4:24 CENTRAL FAX CENTER
AUG 25 2009

002/009

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Docket Number (Optional)

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

RECEIVED

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

AUG 31 2009

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,861,248

Application Number 10/ 056,063

Issue Date March 1, 2006

Filing Date January 28, 2002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - identified patent

08/28/2009 DALLEN 00000031 6861248

Is a reissue of original Patent No. 01,551,159 original issue date 1300.00 (P)

original application number _____

original filing date _____

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

August 25, 2009

Date


Signature

M. Clark Dale

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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AUG 25 2009**

003/009

PTO/SB/66 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patente is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/>	\$ _____ 3 ½ yr fee	(1551)	<input checked="" type="checkbox"/>	\$ 490	3 ½ yr fee
<input type="checkbox"/>	\$ _____ 7 ½ yr fee	(1552)	<input type="checkbox"/>	\$ _____ 7 ½ yr fee	(2552)
<input type="checkbox"/>	\$ _____ 11 ½ yr fee	(1553)	<input type="checkbox"/>	\$ _____ 11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490.**4. SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(2) of \$ 810. (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 810.**5. MANNER OF PAYMENT**

Enclosed is a check for the sum of \$ _____

Please charge Deposit Account No. _____ the sum of \$ _____

Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

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AUG 25 2009**

004/009

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

OR

Credit to Deposit Account No. _____

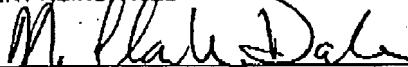
Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

B. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)

August 25, 2009

Date

M. Clark Dale, Ph.D

Typed or printed name(s)

Registration Number, if applicable

(765) 746-2100

Telephone Number

226 N 500 W, West Lafayette, IN 47906

Address

Address

37 CFR 1.37B(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- Maintenance Fee Payment
- Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- _____

[Page 3 of 3]

AUG 25 2009

PTO-2142 (09-05)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Parents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
www.uspto.gov

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AUG 31 2009

March 24, 2009

OFFICE OF PETITIONS

BIO PROCESS INNOVATION, INC.
 226 N. 500 WEST
 WEST LAFAYETTE, IN 47906

NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 6861248

PAYMENT STATUS:

Payment Amount Received: \$ 490.00Payment will be refunded electronically by EFT.Payment Year 3.5 (e.g., 3.5, 7.5, 11.5)PAYMENT RECEIPT DATE 02/24/2009
(Mailroom Date Stamp)

Your payment was not accepted for the following reason(s):

- 1. The maintenance fee for the above-identified patent was previously paid on _____.
 Information regarding the previous payment is stated in item 8 below.
- 2. The patent expired on 03/02/2009. See "Patent Expiration" section below.
- 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on _____.
- 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ _____ is/was required.
- 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- 8. Other: _____.

Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on _____ and ends on _____. In addition to the maintenance fee of \$ _____, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ _____. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

Shannon Harrison (571) 272-6386

Printed Name of USPTO Representative

Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the www.uspto.gov website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.



M. Clark Dale, PhD
President & CEO
clark@bio-process.com
226 North 500 West
West Lafayette, IN 47906-8505

23
(765) 746-2100 office
(765) 427-3234 cell

March 13, 2009

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AUG 3 1 2009

OFFICE OF PETITIONS

Shannon Harrison
USPTO
Alexandria, VA

Dear Ms Harrison,

Please find enclosed the patent maintenance fee w/ the application # added. Sorry for this oversight.

Best Regards,

A handwritten signature in black ink that reads "Clark Dale".



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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BIO-PROCESS INNOVATION, INC.
226 N. 500 WEST
WEST LAFAYETTE, IN 47906

AUG 31 2009

March 6, 2009

OFFICE OF PETITIONS

NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 6861248

PAYMENT STATUS:

Payment Amount Received: \$ 490.00Payment will be held for 1 month awaiting a reply.Payment Year 3.5 (e.g., 3.5, 7.5, 11.5)PAYMENT RECEIPT DATE 02/24/2009
(Mailroom Date Stamp)

Your payment was not accepted for the following reason(s):

- 1. The maintenance fee for the above-identified patent was previously paid on _____.
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- 8. Other: _____

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Patent Expiration

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If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

Shannon Harrison (571) 272-6386

Printed Name of USPTO Representative

Signature of USPTO Representative

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AUG 31 2009

OFFICE OF PETITIONS

OMB SB/45 (10-08)

Approved for use through 04/30/2009. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM
(Do not submit this form electronically via EFS-Web)

Address to:

Director of the United States
Patent and Trademark Office
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, VA 22314

- OR -

Fax to: 571-273-6500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on 2/24/2009.

Signature M. Clark Dale

Typed or printed name M. Clark Dale

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

- A check for the amount of \$ 490.00 for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
- Payment by credit card. Form PTO-2038 is enclosed.
- The Director is hereby authorized to charge \$ _____ to cover the payment of the fees indicated below to Deposit Account No. _____.
- The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposite Account No. _____.

Received US Bank

MAR 6 3 2009

Credit by Operations

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

Item Column 1	Patent Number* Column 2	U.S. Application Number* [e.g., 05/655,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g)) Column 3	Surcharge Amount (37 CFR 1.20(h)) Column 4	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	6,861,248	<u>16/056,063</u>	\$490.00		X		
2							
3							
4							
5							
Subtotals: Columns 3 & 4				\$490.			
Total Payment				\$490..			



additional sheets attached for listing additional patents.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted,

Customer's Signature M. Clark Dale

Customer's Name Morrison Clark Dale

Registration Number, if applicable: _____

Telephone: 765-746-2100

Fax: _____

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided.
See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.